REMARKS

Claims 1, 10, 15, 24, 32, 40, and 48 have been amended. No claims have been canceled. No new claims have been added. Claims 1-48 are pending.

Claims 1-48 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Christeson (U.S. Patent No. 6,122,733). This rejection is respectfully traversed.

Claim 1 recites, *inter alia*, "upon startup, determining whether a BIOS of a computer system is corrupt; … if said BIOS is not corrupt: … connecting to said recovery server and sending system information to said recovery server; downloading an uncorrupted version of said BIOS from said recovery server based on said system information."

Claim 10 recites, *inter alia*, "receiving at a server a request for an uncorrupted version of a BIOS transmitted by a computer system with a corrupted version of said BIOS detected during startup; receiving system information from said computer system; and responsive to said system information, transmitting an uncorrupted version of said BIOS to said computer system."

Claim 15 recites, *inter alia*, "upon startup of a computer system, checking whether a BIOS of said computer system is corrupt; … if said BIOS is corrupt: … connecting to said recovery server and sending system information to said recovery server; transmitting, based on said system information, an uncorrupted version of said BIOS and an utility software from said recovery server to said computer system; receiving said uncorrupted version of said BIOS and said utility software at said computer system."

Claim 24 recites, *inter alia*, "wherein said processor of said computer system, in response to detecting a corrupt version of said BIOS during startup, executes said BIOS

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recovery program to: ... send system information to said recovery server; download from said recovery server an uncorrupted version of said BIOS based on said system information."

Claim 32 recites, *inter alia*, "wherein said computer system's processor, in response to detecting a corrupt version of said BIOS during startup, executes said BIOS recovery program to: ... send system information to said recovery server; download from said recovery server an uncorrupted version of said BIOS based on said system information."

Claim 40 recites, *inter alia*, "wherein said recovery server, in response to receiving a request transmitted by said computer system with a corrupted version of said BIOS during startup, ... receives system information from said computer system, and transmits said uncorrupted version of said BIOS to said computer system."

Claim 48 recites, *inter alia*, "wherein said computer system, in response to detecting a corrupt version of said BIOS during startup, operates said components to: ... send system information to said remote server; receive, based on said system information, an uncorrupted version of said BIOS from said remote server."

Christeson discloses a computer system which utilizes a segmented BIOS program. The BIOS program is typically stored in a flash memory storage area of the computer system. The computer system boots up in the "normal mode" where each segment of the BIOS program is examined to detect potential corruption. Each segment which is detected to be corrupted is noted, and only those segments which are detected as being corrupt are then re-flashed to restore the integrity of those segments, and thus, the entire BIOS program. The computer system can also be operated in an "update mode," where the entire BIOS program is updated (i.e., re-flashed). The Office Action

correctly notes, that <u>with respect to the update mode</u>, the source of the update may be located on a remote source. However, as recognized by the Office Action, there is no disclosure or suggestion regarding the use of a remote server as the remote source.

The Office Action then concludes that the present invention is obvious over the disclosure of Christeson alleging the use of a remote server as a remote source would be obvious, and in particular, the Office Action cites the use of the Windows Update program in some Microsoft operating systems. It is respectfully asserted that the Office Action is in error and the rejection to the claims should be withdrawn.

Each of the independent claims recites detection of a corrupted BIOS during startup. More specifically, claims 1 and 15 recite "upon startup, … whether a BIOS of a computer system is corrupt." Claim 10 recites "a computer system with a corrupted version of said BIOS detected during startup." Claims 24, 32, 40, and 48 recite "detecting a corrupt version of said BIOS during startup." As noted above, Christeson discloses operation in a normal mode associated with detecting and restoring corrupted portions of a BIOS, and a update mode associated with updating a (non-corrupt) BIOS to a new version. The Office Action makes no allegation regarding the use of a remote data source with respect to the normal mode. Since each of the independent claims also recite the use of a "server" or "recovery server" Christeson cannot be fairly said to disclose or suggest the use of a remote data source to restore a BIOS from a corrupted version to a non-corrupted version.

Each of the independent claims recites methods or apparatus used to restore a corrupted BIOS program to a uncorrupted version of the same BIOS program. As noted above, Christeson only discloses restoring an entire BIOS program during the <u>update mode.</u> However, the update mode is used to update the BIOS program (to a new version), while the independent claims recite methods or apparatus for restoring

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the BIOS program (to its current but uncorrupted, version). According, the claimed invention cannot be obvious over Christesón for this additional reason.

Each of the independent claims also recite that system information is sent to the update server and the download of the uncorrupted BIOS is based upon the system information. A PC running the Windows Update program does not send system information to the Microsoft Windows Update server for analysis and download of software. Rather, the Update Server sends a catalog of available updates to the user's PC running the Windows Update program and the Windows Update program analyzes the software on the user's PC in light of the catalog information. The Windows Update server operates in this manner to preserve the privacy of Windows users. Additionally, the Windows Update server is not used to restore corrupted files. Rather it is used to update software components to newer versions. For these reasons, it is respectfully submitted that the Windows Update program and/or server is wholly unrelated to the claimed invention and therefore cannot server as any basis for a conclusion of obviousness.

For at least these reasons, it is respectfully submitted that the rejection under 35 U.S.C. § 103(a) to independent claims 1, 10, 15, 24, 32, 40, and 48 should be withdrawn. The depending claims, i.e., claims 2-9, 11-14, 16-23, 25-31, 33-39, and 41-47 are also believed to be allowable for at least the same reasons as the independent claims.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

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Respectfully submitted,

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